

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Larry Lomax, *et al.*

Plaintiffs

v.

Lieutenant Christopher O'Ree, *et al.*

Defendants

Civil No.

* * * * *

NOTICE OF REMOVAL

Defendants, Officer Craig James and Detective Daniel Hersl (“these Defendants”), remove this case to this Court from the Circuit Court for Baltimore City, Maryland, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and state the following in support of the removal:

1. On or about April 19, 2016, Plaintiffs commenced this action in the Circuit Court for Baltimore City, entitled *Larry Lomax, et al., v. Lieutenant Christopher O'Ree, et al.*, Case No. 24-C-16-002313. A copy of the Writ of Summons is attached as ***Exhibit 1***. A copy of Plaintiffs’ Complaint is attached as ***Exhibit 2***.

2. In Count VIII (“Pattern or Practice of Constitutional Violations”) and Count IX (“Civil Conspiracy”) of the Complaint, Plaintiffs assert claims for “constitutional violations.” (Compl. at ¶¶ 114-122; 119-122).

3. In the formal notice of pending claim dated October 22, 2015, Plaintiff states there are state claims *and* federal civil rights violations. A copy of Plaintiffs’ formal notice is included in the Complaint which is attached as ***Exhibit 2***.

4. To the extent the alleged “constitutional violations” referenced in Counts VIII or IX seek relief pursuant to the United States Constitution, this Court has original jurisdiction of the above-described civil action under the provisions of 28 U.S.C. § 1331.

5. Pursuant to 28 U.S.C. §1446(a) and Local Rule 103, a copy of all process, pleadings and orders that were served on these Defendants in the state court action are attached hereto. *See Exhibits 1 and 2.*

6. Pursuant to 28 U.S.C. §1446(d), these Defendants will promptly file a copy of this Notice of Removal with the Circuit Court for Baltimore City and will give written notice of the filing to the Plaintiffs.

7. Pursuant to 28 U.S.C. §1446(b) (2) (A), all Defendants who have been properly joined and served have consented to the removal of action.

8. Defendant’s Local Rule 103.3 Disclosure of Affiliations and Financial Interests has been filed simultaneously with this Notice of Removal, pursuant to Local Rules 103.3 and 103.5(c).

9. By filing this Notice of Removal, these Defendants do not waive any defenses that may be available to them.

WHEREFORE, these Defendants respectfully request that the above-entitled action be removed to this Court from the Circuit Court for Baltimore City.

May 24, 2016

Respectfully submitted,

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Attorneys for Defendants,

Detective Daniel Hersl

and Officer James Craig, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2016, a copy of the foregoing
Notice of Removal was mailed, postage prepaid, to:

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